

REMARKS

Reconsideration of the application, as amended, is respectfully requested.

Claim 1 has been amended to delete the word "essentially," to which the Office objected. Dispersion of the fatty matter in the matrix is discussed, e.g., at paragraphs 0815 and 0816 of the published application.

The words "on fatty matter" and "on the total weight" have been deleted without prejudice in order to make the language clearer.

The phrase "sugar derivative" has been deleted from claim 6 without prejudice in order to make it clearer.

In claim 7 the word "like" has been replaced by "selected from the group of" in view of the informality cited by the Office. Also, the reference to skim milk has been canceled without prejudice and presented in new claim 21.

The "preferred" limitation has been canceled without prejudice from claim 13 and presented in new claim 20.

As to claim 3, it is submitted that one of ordinary skill could well ascertain whether the fatty material is dispersed in the matrix material as discrete regions.

The present invention relates to particulate compositions suitable for use as a creamer and/or whitener, particularly such compositions which are low in trans fatty acids or triglycerides thereof.

Claim 1 is directed to particulates comprising 10-95wt% of a matrix material and 5-90wt% of fatty matter dispersed in the matrix material. The fatty matter includes 5-100wt% of one or more phytosterols. The matrix includes a protein and a carbohydrate. The amount of phytosterols is at least 1wt% of the particulates.

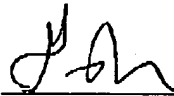
Dahlsten et al. WO 00/33669 discloses sterol/stanol containing liposomes. The Office points to no teaching by Dahlsten et al. of particulates comprising 5-90wt% of fatty matter. Moreover, the undersigned has been informed that the level of fatty material is important to providing a particulate material with creamer properties. Therefore, it is respectfully requested that the rejections based on Dahlsten et al. be withdrawn.

Goulson et al. US 2004/0013708 is directed to water dispersible steryl ester compositions which can be incorporated into aqueous foods and beverages. As described in paragraph 48, the compositions may be powdered and may be prepared from a liquid composition comprising 20 to 23wt% steryl esters, 0.5 to 7% stabilizer which may be 0.5 to 2 wt% of a protein such as sodium caseinate or 4 to 7 wt% of a lipophilic starch, 0.3 to 1 wt% of an emulsifier, 1 to 2wt% of a buffer, 3 to 40wt% of a bulking agent such as corn syrup solids, 0 to 10 wt% of a fat and 35 to 45 wt% of a liquid such as water. It is said that the composition can be spray dried to obtain an easily dispersible powder. In paragraph 0050, an instant cappuccino mix is described

which includes 50 to 60wt% sugar, 25 to 35 wt% dilute steryl ester composition, 10 to 15 wt% nonfat dry milk, 1 to 2 wt% instant coffee, carboxymethyl cellulose, a flow agent, salt and a flavoring agent. In example 5, coffee sweetened, whitened and fortified with a steryl ester premix is disclosed. However, the Office points to no teaching that the fat is dispersed in a matrix, as recited in claim 1.

In view of the foregoing, it is respectfully requested that the application, as amended, be allowed.

Respectfully submitted,



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